

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORACLE USA, INC., et al.,

Case No. 07-CV-1658 PJH (EDL)

Plaintiffs,

AMENDED JUDGMENT

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SAP AG, et al.,

Defendants.

Pursuant to the Parties' Stipulation, Amended Trial Stipulation and Order No. 1 Regarding Liability, Dismissal of Claims, Preservation of Defenses, and Objections to Evidence at Trial (Dkt. No. 965), Additional Trial Stipulation and Order Regarding Claims for Damages and Attorneys Fees (Dkt. Nos. 961 and 969), Order Re Motions For Partial Summary Judgment (Dkt. No. 762), Order Granting Motion to Dismiss in Part and Denying It in Part (Dkt. No. 224), Order Granting Defendants' Motion for JMOL and Motion for New Trial; Order Denying Plaintiffs' Motion for New Trial; Order Partially Vacating Judgment (Dkt. No. 1081), and the Ninth Circuit's August 29, 2014 Opinion and September 22, 2014 Mandate (Dkt. Nos. 1243-44),

IT IS HEREBY ADJUDGED AND ORDERED that:

IT IS HEREBY ADJUDGED AND ORDERED that:

(1) JUDGMENT is entered against Defendant TomorrowNow, Inc. on Plaintiff Oracle International Corporation's claim for direct copyright infringement

1 and against Defendants SAP AG and SAP America, Inc. on Plaintiff Oracle
 2 International Corporation's claim for indirect copyright infringement. On
 3 these claims, Plaintiff Oracle International Corporation shall recover from
 4 Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc.
 5 ("Defendants"), jointly and severally, (a) in the amount of \$356.7 million
 6 U.S. dollars (\$356,700,000 (US)), and (b) post-judgment interest of
 7 \$2,468,758 U.S. dollars, which are the entirety of the relief entered for these
 8 claims (not including the stipulation negotiated between the Parties
 9 regarding destruction of infringing materials).

10 (2) JUDGMENT is entered against Defendants on Plaintiffs Oracle USA, Inc.,
 11 Oracle International Corporation, and Siebel Systems, Inc.'s ("Oracle," and
 12 together with Defendants, "the Parties") claims for past and future
 13 reasonable attorneys' fees and costs (including investigative costs)
 14 associated with Oracle's investigation and prosecution of its claims in this
 15 case, for which the Parties agreed that Oracle should recover, and has
 16 already been paid by Defendants, the amount of \$120 million
 17 (\$120,000,000).

18 (3) JUDGMENT is entered for Plaintiffs Oracle USA, Inc., Oracle International
 19 Corporation, and/or Siebel Systems, Inc., and against Defendant
 20 TomorrowNow, Inc. on all liability for all claims, including for violations of
 21 18 U.S.C. §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the
 22 Federal Computer Fraud and Abuse Act) and California Penal Code §§
 23 502(c)(2), (c)(3), (c)(6) and (c)(7) (California's Computer Data Access and
 24 Fraud Act), breach of contract, intentional interference with prospective
 25 economic advantage, negligent interference with prospective economic
 26 advantage, unfair competition, trespass to chattels, unjust
 27 enrichment/restitution, and for an accounting, without separate monetary
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1 damages or monetary relief, including punitive damages, or additional
2 injunctive relief by way of these claims. The recovery on these claims is
3 included in paragraph (2) above and no other damages or injunctive or other
4 relief is awarded by way of these claims.

5 (4) JUDGMENT of dismissal with prejudice is entered as previously stipulated
6 by the Parties, on all claims of Plaintiffs Oracle USA, Inc., Oracle
7 International Corporation, and/or Siebel Systems, Inc. against SAP AG and
8 SAP America, Inc., for alleged violations of 18 U.S.C. §§ 1030(a)(2)(C),
9 (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal Computer Fraud and
10 Abuse Act) and California Penal Code §§ 502(c)(2), (c)(3), (c)(6) and (c)(7)
11 (California's Computer Data Access and Fraud Act), breach of contract,
12 intentional interference with prospective economic advantage, negligent
13 interference with prospective economic advantage, unfair competition,
14 trespass to chattels, unjust enrichment/restitution, and for an accounting.
15 (5) JUDGMENT of dismissal is entered, as previously ordered by the Court, on
16 all claims brought by Oracle Systems Corporation, J.D. Edwards Europe
17 and Oracle EMEA Limited.
18 (6) Except as specified in paragraph (2) above, no costs are awarded.

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23 Dated: _____, 2014

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Judge Phyllis J. Hamilton
United States District Judge